

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 21, 23, 25-29, 46 and 47 were rejected under 35 U.S.C. Section 101 as allegedly being directed to non-statutory subject matter. Reconsideration of this rejection is respectfully requested inasmuch as these claims are directed to an information recording medium in which a program is recorded, wherein the program makes a computer function in a particular manner. Consequently, these claims do in fact call for a "physical thing" and do not merely claim nonfunctional descriptive material because, inter alia, the claims specify that program makes a computer function. Independent claims 21 and 27 have been amended to even more particular describe that the program, when executed, makes a computer function in a particular manner.

Claims 1, 3, 6-14, 16-20, 30, 33-45 and 48 were rejected under 35 U.S.C. Section 102(e) as allegedly being "anticipated" by Utsumi et al. (U.S. Patent No. 6,400,667). Claims 21, 23, 25-29, 46 and 47 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Utsumi et al. While not acquiescing in these rejections for, inter alia, the reasons set forth in the prior response, claims 1, 3, 6-14, 16-20, 30, 33-45 and 48 have been amended. Among other things, the claims have been amended to more clearly describe that information is read out from a recording medium and recorded in an optical recording medium. The discussion below makes reference to the amended claims.

Utsumi et al. does not disclose, teach or suggest claimed cyclical outputting (or repeated transmitting) of information as set forth in the independent claims. See, e.g., claim 1 ("...the outputting device cyclically outputs the whole of the main information ...") With respect to this feature, the office action apparently continues to rely on the col. 13, lines 19-38 disclosure of Utsumi et al. and the characterization in the prior office action that "Utsumi further discloses predetermined management information is recorded in each sector and the U-TOC data and AUX-TOC data are repetitively recorded three time in the three clusters 3, 4, 5 (U-TOC) and 6, 7, 8 (AUX-TOC)". However, this referenced portion of Utsumi et al. does not state that information to be recorded is cyclically output. Rather, it merely relates to the feature of Utsumi et al. that "[s]uch AUX data files are managed with the AUX-TOC. The AUX-TOC is recorded three times repetitively over 3 clusters, and accordingly, as a management data structure, 32 sectors in one cluster can be used similarly as in the U-TOC". Utsumi et al., col. 18, lines 43-47.

Utsumi et al. merely records the AUX-TOC three times repetitively over 3 clusters in order to use 32 sectors in one cluster. There is no disclosing of cyclically outputting the entirety of main information or of the repeated transmitting of information pieces of an entire information unit.

Further, the main information includes partial information and a sector address information and Utsumi et al. does not disclose or suggest the cyclical output of such main information as claimed in claims 1, 9, 12, 18, 21, 27 and 30. Similarly, Utsumi et al. does not disclose information pieces having associated recording position information as claimed in claims 33 and 36, for example. As described with reference to the non-limiting, example embodiments, such arrangements can allow main information to be recorded without waiting to receive the head part of the main information.

The office action interprets the buffer memory of Utsumi et al. (U.S. Patent No. 6,400,667) to be a "recording medium" and contends that Utsumi et al. discloses a process for reading out text files from a disc and storing them into a recording medium, and then reading out the time stamp to grasp information in a reproduction outputting order. However, in Utsumi et al., the time stamp is used only for the reproduction of the text files, not for recording the text files. The storing of text files in the buffer memory is merely a temporary storing. The entirety of the text files is not stored in the buffer memory at any given time and therefore it is unnecessary to manage a storing position in the buffer memory.

In contrast, as described in claim 27, for example, partial information recorded in a recording medium is output so that recording of the partial information onto an optical recording medium can be completed during a subsequent one of repeated outputs of the entire information even if the partial information initially received is not the head part of the information. To achieve this recording, the non-limiting example embodiments described in the subject patent application involve, inter alia, outputting the partial information together with recording position information indicative of a recording position of the partial information on the optical recording medium on which the partial information is to be recorded. The recording position information comprises sector address information set in advance in the optical recording medium. Therefore, even if the received partial information is not the first information, the received partial information can be recorded in the position where the partial information should be recorded.

These features are not disclosed, taught, or suggested by Utsumi et al. inasmuch as Utsumi et al. does not disclose, teach, or suggest the recording of the text files, which are read out from a recording medium, in another recording medium.

KURODA et al.
Serial No. 09/885,005
Response to Office Action dated January 12, 2007

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

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